

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA, §

ex rel. ALEX DOE, Relator, §

THE STATE OF TEXAS, §

ex rel. ALEX DOE, Relator, §

THE STATE OF LOUISIANA, §

ex rel. ALEX DOE, Relator, §

Plaintiffs, §

V. §

Civil Action No. 2:21-CV-00022-Z

PLANNED PARENTHOOD §

FEDERATION OF AMERICA, INC., §

PLANNED PARENTHOOD GULF §

COAST, INC., PLANNED §

PARENTHOOD OF GREATER §

TEXAS, INC., PLANNED §

PLANNED PARENTHOOD SOUTH §

TEXAS, INC., PLANNED §

PARENTHOOD CAMERON §

COUNTY, INC., PLANNED §

PARENTHOOD SAN ANTONIO, §

INC., §

Defendants. §

**SECOND MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND
MOTION FOR EXPEDITED CONSIDERATION**

Plaintiffs respectfully move this Court for an extension of time to file Plaintiffs' Response to Defendants' Motion for Judgment on the Pleadings until October 11, 2023, or until the Court has resolved Plaintiffs' Motion to Strike and Stay Briefing (Dkt. 536). Plaintiffs also respectfully move for expedited consideration of this motion in light of Plaintiffs' deadline on Wednesday, October 4. In support thereof, Plaintiffs states as follows:

1. On Friday, September 1, 2023, Defendants filed a Motion for Judgment on the Pleadings contending that the FCA, TMFPA, and LMAPIL are unconstitutional. Dkt. 533, 534. Pursuant to the Court's order on Plaintiffs' September 20 motion for extension, Plaintiffs' response to this motion is due on October 4, 2023.

2. Because Defendants' Motion was filed nearly nine months after the dispositive motion deadline, Plaintiffs filed a motion to strike Defendants' motion as untimely and to stay the briefing on Defendants' motion until Plaintiffs' motion to strike is resolved. Dkt. 536. Plaintiffs filed this motion the second business day following Defendants' filing, which was Wednesday, September 6, 2023. *Id.*

3. Defendants filed their response to Plaintiffs' motion to strike on Friday, September 15, 2023. Dkt. 537. Plaintiffs filed their reply at noon on the next business day, Monday, September 18, 2023. Dkt. 538.

4. Because of the pending motion to strike and motion to stay briefing, undersigned counsel requests a brief extension of time for the responses to the above-mentioned motions. The purpose of the extension is not for delay, but to allow counsel

to provide helpful briefing to the Court and to avoid unnecessary expenditure of counsel's and the Court's time should the Court agree that Defendants' Motion for Judgment on the Pleadings is untimely, which would make a response to Defendants' assertions of unconstitutionality of the three statutes at issue here, something that will take significant time and effort, unnecessary.

5. In addition, Relator's counsel unexpectedly must file a time-sensitive brief this week for a client in the Fifth Circuit. Because of this, Plaintiffs require additional time to respond to Defendants' Motion for Judgment on the Pleadings, if the Court does not grant Plaintiffs' motion to strike and/or stay briefing until the motion to strike is resolved.

6. Counsel for the State of Texas, Will Wassdorf, is currently in trial in *LUPE, et al. v. Abbott, et al.*; Civil Action No. 5:21-CV-844-XR; pending in the Western District of Texas, San Antonio Division which is expected to last through the end of October 2023. Additionally, Lead Counsel for the State of Texas Christopher Hilton and Amy Hilton are currently on a leave of absence and are not available.

7. On September 29 and October 2, 2023, Relator's counsel conferred with Defendants' counsel regarding this motion. Defendants are opposed to the extension.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request an extension of time to file Plaintiffs' Response to Defendants' Motion for Judgment on the Pleadings until October 11, 2023, or until one week after the Court has resolved Plaintiffs' Motion to Strike and Stay Briefing (Dkt. 536), whichever is later. Plaintiffs also respectfully

request expedited consideration of this motion giving the quickly approaching deadline.

Respectfully submitted.

/s/ Heather Gebelin Hacker

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CERTIFICATE OF CONFERENCE

On September 29 and October 2, 2023, counsel for Relator conferred with counsel for Defendants regarding the relief requested in this motion. Defendants are opposed.

/s/ Heather Gebelin Hacker
Heather Gebelin Hacker

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2023, I electronically filed the foregoing document through the Court's ECF system, which automatically notifies counsel of record for each party.

/s/ Heather Gebelin Hacker
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